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8	Attorneys for Complainant	RE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 20(0-(0
12	MELINDA ALINE THIEBOLD	ACCUSATION
13	10362 Powderhorn River Court Fountain Valley, CA 92708	
14	Registered Nurse License No. RN 621571	
15	Respondent.	·
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17	Complainant alleges:	
18	PARTIES	
19	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her	
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
21	Consumer Affairs.	
22	2. On or about July 11, 2003, the Board of Registered Nursing issued Registered Nurse	
23	License Number RN 621571 to Melinda Aline Thiebold (Respondent). The Registered Nurse	
24	License was in full force and effect at all times relevant to the charges brought herein and will	
25	expire on November 30, 2010, unless renewed.	
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

///

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
 - (b) Failure to comply with any mandatory reporting requirements.
 - (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Discipline Against Respondent's Oklahoma Nursing License)

9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code in that on or about July 23, 2008, *In the Matter of Melinda Aline Uphold Thiebold, R.N.*, before the Oklahoma Board of Nursing, Respondent entered into a stipulated settlement whereby she voluntarily surrendered her registered nurse license. The underlying allegations were that on or about and between April 3, 2008 and May 13, 2008, while employed in the emergency room of a Tulsa, Oklahoma hospital, Respondent diverted various amounts and strengths of hydrocodone, oxycodone, and Demerol. The controlled substances were charged to various patients without physician orders, and there was no documentation in the patients' records of the administration of the medications. No formal complaint was filed against Respondent by the Oklahoma Board of Nursing and the stipulation was executed for the purpose of avoiding further administrative action. The Oklahoma Board of Nursing's order adopting the stipulation stated that it constituted disciplinary action against Respondent's license and could be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number RN 621571, issued to Melinda Aline Thiebold;
- 2. Ordering Melinda Aline Thiebold to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 718 09

RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant